

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

9 Brett D. LEAVEY,) No. CIV 02-2281-PHX-SMM
10 Plaintiff,) **ORDER**
11 vs.)
12 UNUM/PROVIDENT CORP. et al.,)
13 Defendants.)

Having considered Plaintiff's Notice re New Trial/Remittitur [Doc. No. 278], the Court will direct the Clerk of Court to enter judgment according to Plaintiff's election. In so doing, the Court accepts Plaintiff's reading of the relevant case law concerning the Seventh Amendment and remittitur as to punitive damages.

19 | Accordingly,

20 **IT IS ORDERED** that the Clerk of Court shall enter an Amended Judgment reflecting
21 (1) Plaintiff's acceptance of the remittitur of the compensatory damages award from
22 \$4,000,000 to \$1,200,000; (2) the Court's reduction of the punitive damages award, which
23 was determined by the Court to be unconstitutionally excessive, from \$15,000,000 to
24 \$3,000,000; (3) the jury's verdict of \$809,028 in future policy benefits; (4) the Court's award
25 of attorneys' fees in the amount of \$755,247.50; and (5) post-judgment interest at the rate

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1 mandated by law (4.08%) from the initial judgment date of October 13, 2005.
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3 DATED this 7th day of July, 2006.

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6 Stephen M. McNamee
7 United States District Judge

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